

OFFICIAL COPY

Fresno, California

April 25, 2000

The City Council met in joint session with the Redevelopment Agency at the hour of 8:41 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember
	Dan Ronquillo	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager  
Daniel Fitzpatrick, Executive Director  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

**(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

**APPROVE AGENCY MINUTES OF APRIL 11, 2000**

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the minutes of April 11, 2000, approved as submitted.

**(D) CONSIDER AN OWNER PARTICIPATION AGREEMENT (OPA) REQUEST AND DIRECT STAFF TO PROCEED WITH NEGOTIATIONS FOR AN OPA WITH BUZZ OATES REAL ESTATE FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF S. ELM AND W. ANNADALE AVENUES - 2885 S. ELM AVENUE (AGENCY ACTION)**

Redevelopment Administrator Murphey reviewed the staff report as submitted and responded briefly to questions of Member Perea relative to costs to the Agency and if funds had been budgeted. Member Steitz made a motion to approve staff's recommendation to negotiate an OPA and stated this was an excellent proposal and the type of action the Agency should be taking. Also speaking in support were Chair Ronquillo who commented on how the area was evolving and stated the project would serve as a foundation for others to follow, and Member Mathys who commended Buzz Oates.

On motion of Member Steitz, seconded by Member Mathys, duly carried, RESOLVED, the Executive Director directed to negotiate an OPA between the Agency and Buzz Oates Real Estate to facilitate the use of tax increment generated from the project to the debt service of bonds proposed to be issued through the formation of a Mello-Roos

Community Facilities District by the City of Fresno, with such commitment of tax increment not to exceed, in any given year, 50% of the net adjusted tax increment (tax increment minus statutory pass-through and housing set-aside) generated from the project; and the City Manger directed to work with the Developer in the formation of the Mello-Roos District and timely process their buildings permits, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

**(A) \* COUNCIL AND AGENCY CONSIDERATION AND ACTION RELATING TO ADMINISTRATION OF REDEVELOPMENT HOUSING SET ASIDE FUNDS - CHAIR RONQUILLO AND PRESIDENT BOYAJIAN**

**(B) CONSIDERATION OF CENTRE CITY DEVELOPMENT COMMITTEE REPORT (*COUNCIL AND AGENCY ACTION*)**

**(C) APPROVE NEGOTIATED AGREEMENTS DESIGNED TO ADDRESS AFFORDABLE HOUSING NEEDS USING TAX INCREMENT 20% HOUSING SET ASIDE FUNDS FOR THE SOUTHWEST FRESNO GNRA AND GENERAL AREA FUNDS FOR:**

1. CONSTRUCTION OF TWO HOMES ON APN 467-163-18 AT MONO AND "C" STREETS, AND AN ADDITIONAL THREE HOMES AND REHABILITATION OF ONE HOME IN THE SAME VICINITY OF SOUTHWEST FRESNO BY NEIGHBORHOOD OPPORTUNITIES FOR AFFORDABLE HOUSING, INC. (NOAH);
2. REHABILITATION OF 150 HOMES AND CONSTRUCTION OF ELEVEN INFILL HOMES IN THE SOUTHWEST FRESNO GNRA BY THE HOUSING AUTHORITY FOR THE CITY OF FRESNO;
3. CONSTRUCTION OF SIX HOMES ON APN 453-052-03 AND 453-051-06 NORTH OF THE N. ELEVENTH AND E. HOME AVENUE INTERSECTION BY NOAH; AND
4. A MINOR HOUSING REHABILITATION PROGRAM IN THE NEIGHBORHOOD NEAR THE SIX-HOME DEVELOPMENT NORTH OF THE N. ELEVENTH AND E. HOME AVENUE INTERSECTION BY THE CITY'S DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION

Councilmember Perea requested **Item "B"** be heard first. City Attorney Montoy advised all three items were related and should have gone through the HCDC process, stated it would be okay to hear item **"B"** this date as it was more of a report, and advised items **"A"** and **"C"** should have gone through the HCDC process and advised the HCDC had requested additional information on **"C"** and had not yet made a recommendation as required by code. City Manager Reid stated item **"A"** was a general direction item and recommended it be heard for budget planning purposes, and relative to **"C"** stated staff had hoped HCDC would have taken action by now, advised **"C"** was an important compliment to the receipt of the Centre City Report ( **"B"**), and stated while actions probably could not be taken requested staff be allowed to at least present all the matters this date for Council's information and consideration.

Luisa Medina, Chair, HCDC, concurred item **"A"** was general direction which could be heard and then referred to the HCDC, and relative to **"C"** advised the HCDC had numerous questions and issues for clarification which was why they had not taken action adding if necessary she would request Council not take action on **"C"** until HCDC's questions were answered.

**(B) CONSIDERATION OF CENTRE CITY DEVELOPMENT COMMITTEE REPORT (COUNCIL AND AGENCY ACTION)**

Opening remarks, identification of committee members, commendations to committee members and City officials, and an overview of the Committee's report as submitted were made by Development Director Yovino and Committee Co-Chair Gary McDonald.

Co-Chair/Councilmember Perea commended the committee, the City Manager and Development Department staff for their work, efforts and input, briefly commented on the issue and asked Council to be prepared to make a policy decision for funding to implement the plan, and accepted the report as submitted.

Councilmembers Ronquillo, Mathys and President Boyajian commented on the need and importance of funding, acknowledged committee members, staff and the building industry, stated the plan would be a community effort, and commented on the need to move forward with the recommendations.

Dallas Debatin, 109 N. Glenn, spoke to the need to solve inner-city problems to make the plan successful.

By Council consensus the plan was accepted.

**(A) \* COUNCIL AND AGENCY CONSIDERATION AND ACTION RELATING TO ADMINISTRATION OF REDEVELOPMENT HOUSING SET ASIDE FUNDS - CHAIR RONQUILLO AND PRESIDENT BOYAJIAN**

Director Fitzpatrick gave an overview and background of the issue, explained legal aspects relative to the Agency's obligation to replace housing and expend program funds, and advised of options to change direction of administering the funds.

President Boyajian stated he felt there was a need for a change citing his frustration with housing and rehabilitation needs, especially in his district, and made a motion to change direction and direct staff to return with documents to implement an Agency-directed housing program, which motion was later seconded and acted upon. Upon question of Councilmember Steitz, City Attorney Montoy clarified the motion was permissible as it was general direction to staff and no final action would be taken this date.

City Manager Reid read excerpts from a letter from HUD relative to the City's progress towards achieving affordable housing for low and moderate income residents and areas; stressed the City and HNR had worked hard to provide housing opportunities and had been effective in the administration of funds; referenced the Agency's annual report to the City emphasizing there was no excess surplus as claimed by the RDA Director and there were no legal sanctions facing the City at this time; stated Item "C" was a result of City staff's promise to come back by April with proposals and recommendations on how to spend down fund balances and added it would also fund some of the recommendations of the Centre City Development Committee's ("infill committee") report; noted item "C" would have accomplished everything everyone wanted to do and yet there was now a motion to have the program transferred away from the City; advised support of item "C" would resolve expressed concerns about administrative overhead and explained; recommended President Boyajian's motion be seconded and staff would bring back budget initiatives to implement the transfer of the program to the RDA effective July; requested Council focus on options 2 and 3 as he would not support transferring additional City staff to the RDA; **(2 - 0)** and stated staff would return in one week with alternative funding sources outside of housing set-aside funds to fund the contracts being recommended under item "C" so the efforts of the infill committee would not be jeopardized or diminished by the transfer direction and requested Council's input on those contracts.

Speaking in support of the need for a change and the motion were: Luisa Medina, Chair, HCDC; Dallas Debatin, 109 N. Glenn; and Harlan Kelly, Co-Chair, Westside Advisory Committee and Concerned Citizens Committee.

At this point proceedings were interrupted and the joint bodies recessed at 9:39 a.m.

- - - -

The City Council convened in regular session at 9:41 a.m. Students from Starr Elementary School were recognized and welcomed.

Pastor Steve Laird, Sunnyside Church, gave the invocation.

City Clerk Klisch led the Pledge of Allegiance to the Flag.

PROCLAMATION OF VETERANS APPRECIATION MONTH

PROCLAMATION OF ELDER ABUSE PREVENTION MONTH

PROCLAMATION OF CLEAN AIR MONTH

PROCLAMATION OF ARBOR DAY

PROCLAMATION OF VOLUNTEER RECOGNITION MONTH

PROCLAMATION OF YOUTH APPRECIATION WEEK

RESOLUTIONS OF COMMENDATION TO STARR ELEMENTARY SCHOOL STUDENT BODY OFFICERS AND CLASSROOM REPRESENTATIVES - COUNCILMEMBER MATHYS

The above proclamations and resolutions were read and presented.

- - - -

**(10:00 A.M.)** PRESENTATION OF EMPLOYEE SERVICE AWARDS

The Council recessed at 10:14 a.m. to the 2<sup>nd</sup> floor foyer to present service resolutions to employees with 10, 15, 20, 25, 30 and 35 years of service and a reception followed. Council reconvened in regular session at 11:06 a.m.

- - - -

RESOLUTION OF COMMENDATION TO DERAN KOLIGIAN

Read and presented **(3 - 0)**.

**(11:00 A.M.)** HEARING TO NAME THE DANTE/ALLUVIAL PARK THE "DERAN KOLIGIAN PARK" - COUNCILMEMBER MATHYS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Councilmember Mathys briefly reviewed and spoke in support of the issue, and made a motion to approve the naming.

Barbara Hunt, 944 “F” Street, spoke in support.

Councilmembers spoke in support of the naming and commended Supervisor Koligian for his contributions to the community.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by President Boyajian, duly carried, RESOLVED, the Dante/Alluvial Park hereby named “The Deran Koligian Park”, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

PROCLAMATION OF FAIR HOUSING MONTH - PRESIDENT BOYAJIAN

PROCLAMATION OF KERN STREET COFFEE COMPANY DAY - COUNCILMEMBER RONQUILLO

(ADD-ON) PROCLAMATION OF ADMINISTRATIVE PROFESSIONALS WEEK

The above proclamations were read and presented.

- - - -

#### **APPROVE MINUTES OF APRIL 11, 2000**

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the minutes of April 11, 2000, approved as submitted.

- - - -

#### **APPROVE AGENDA:**

(1A-11) APPROVE A FIVE (5) YEAR CONTRACT WITH MCI WORLDCOM FOR T-1, PRI, DID, LONG DISTANCE AND OTHER RELATED COMMUNICATIONS SERVICES AND EQUIPMENT

Removed from the agenda by staff.

(5D) DIRECT THE CITY ATTORNEY TO FILE A LAWSUIT IN FEDERAL COURT ON BEHALF OF THE CITY OF FRESNO TO REQUEST AN INJUNCTION TO POSTPONE PRESIDENT CLINTON’S MOVE TO EXPAND THE SEQUOIA NATIONAL MONUMENT - COUNCILMEMBER MATHYS

A motion and second was made to remove the item from the agenda. Councilmember Mathys spoke in opposition to the motion and explained why he placed the matter on the agenda.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, the above entitled **Item 5D** removed from the agenda, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

COMMENDATION TO PARKS AND RECREATION STAFF FOR THEIR WORK AT THE SPRING BEACH BLAST AT THE MOSQUEDA COMMUNITY CENTER - COUNCILMEMBER QUINTERO

Commendation made.

**(3D) REPORT ON RELOCATION OF FLOOD CONTROL BASIN “T” IN THE VICINITY OF THE GAP, INC., PACIFIC DISTRIBUTION CENTER**

**1. APPROVE AMENDMENT TO THE PURCHASE AGREEMENT WITH THE GAP, INC.**

**(CONSIDERED AGAIN LATER IN THE MEETING)**

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled item **3D** to be heard at 4:15 p.m. this date, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

**(5E) DIRECT CITY ATTORNEY TO PREPARE AN ORDINANCE TO INCREASE THE COMPENSATION FOR COUNCILMEMBERS WHICH IS CONSISTENT WITH THE COMPENSATION GIVEN TO THE FRESNO COUNTY BOARD OF SUPERVISORS - PRESIDENT BOYAJIAN AND ACTING PRESIDENT BREDEFELD**

A motion of Councilmember Mathys, seconded by Councilmember Steitz, to remove the above entitled Item **5E** from the agenda failed, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Absent	:	None

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

**ADOPT CONSENT CALENDAR:**

**(1A-1)** AWARD A CONTRACT TO VULCAN CONSTRUCTION IN THE AMOUNT OF \$144,700 TO FURNISH AND INSTALL DE-AERATION TANKS AND WELLHEAD TREATMENT IMPROVEMENTS AT PUMP STATIONS 150 AND 151

**(1A-2)** AWARD A CONTRACT TO KELLY CONSTRUCTION, INC., IN THE AMOUNT OF \$177,558 FOR THE INSTALLATION OF 8" AND 13" WATER MAINS IN E. STEWART, MESA, CALIMYRNA, BULLARD, AND N. BLACKSTONE AVENUES

**(1A-3)** AWARD A CONTRACT TO GEORGE DAKOVICH & SONS, INC. IN THE AMOUNT OF \$130,200 FOR INSTALLATION OF ACCESS STRUCTURES (MANHOLES) TO THE WASTEWATER COLLECTION SYSTEM IN ASHLAN, VENTURA, EIGHTH AND EAST AVENUES

**(1A-4)** AWARD A CONTRACT TO KARLESKINT-CRUM CORPORATION IN THE AMOUNT OF \$159,800 FOR THE SHAW AVENUE MEDIAN ISLAND GROUND PREPARATION AND INSTALLATION OF IRRIGATION FACILITIES - BLACKSTONE TO MAPLE AVENUES

**(1A-5) RESOLUTION NO. 2000-118** - DECLARING THE RESULTS OF THE MARCH 7, 2000, PRIMARY ELECTION HELD WITHIN THE CITY OF FRESNO

**(1A-6)** APPROVE ASSIGNMENT OF THE AGREEMENT WITH SUPERIOR BANKCARD TO CASH CONVENIENCE INDUSTRIES TO OPERATE SELLAND ARENA AUTOMATED TELLER MACHINES FOR THE REMAINDER OF THE CONTRACT PERIOD, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE APPROVED AGREEMENT ON BEHALF OF THE CITY

**(1A-7)** AUTHORIZE THE CITY TO ACQUIRE A COLOR PHOTO MINILAB FOR THE POLICE DEPARTMENT AND ARRANGE FOR THREE YEAR FINANCING THEREOF UNDER THE EXISTING MASTEREQUIPMENT LEASE-PURCHASE AGREEMENT WITH PITNEY BOWES CREDIT CORPORATION TO PAY FOR ITS PURCHASE AND ANY OTHER RELATED COSTS

**(1A-8) RESOLUTION NO. 2000-119** - DEDICATING CITY-OWNED PROPERTY LOCATED ON THE SOUTH SIDE OF E. COMMERCE EAST OF S. MAPLE AVENUE FOR PUBLIC STREET PURPOSES

**(1A-9) RESOLUTION NO. 2000-120** - DEDICATING CERTAIN CITY-OWNED PROPERTY LOCATED ON THE NORTHWEST CORNER OF CHESTNUT AND LANE AVENUES FOR PUBLIC STREET PURPOSES

**(1A-10)** APPROVE EXTENSION OF TEMPORARY USE PERMIT ISSUED BY THE CITY OF FRESNO TO SKYWEST AIRLINES, INC., TO CONTINUE OCCUPANCY OF PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI), AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS ON BEHALF OF THE CITY WHICH ARE NECESSARY TO EFFECTUATE SAID EXTENSION OF THE TERMS

(1A-12) APPROVE COOPERATIVE AGREEMENTS WITH THE STATE OF CALIFORNIA FOR (1) RELINQUISHMENT OF SHAW AVENUE FROM STATE ROUTE 41 TO STATE ROUTE 168, (2) RELINQUISHMENT OF VENTURA/KINGS CANYON ROAD FROM STATE ROUTE 99 TO CHESTNUT AVENUE; (3) STATE DETOUR ON ASHLAN AVENUE FROM STATE ROUTE 168 TO CEDAR, AND CEDAR FROM ASHLAN TO SHAW AVENUES; AND (4) STATE DETOUR ON CHESTNUT AVENUE FROM STATE ROUTE 180 TO KINGS CANYON ROAD; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FOUR AGREEMENTS ON BEHALF OF THE CITY

(1A-13) **RESOLUTION NO. 2000-121** - APPROVE THE FINAL MAP OF TRACT NO. 4855, PHASE I OF VESTING TENTATIVE MAP 4855/UGM 615, LOCATED ON W. SPRUCE BETWEEN N. ADOLINE AND N. THORNE AVENUES AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT; AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, UGM FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF A LIEN; AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF NOTICE AND COVENANTS AFFECTING LAND DEVELOPMENT FOR SOLID WASTE DISPOSAL LIMITATIONS FOR TRACT NO. 4855

(1A-14) **RESOLUTION NO. 2000-122** - DETERMINING AND CERTIFYING THE \$94,625.00 CANCELLATION FEE RELATED TO THE PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 8 FOR A PARCEL LOCATED ON THE EAST SIDE OF S. ORANGE BETWEEN E. NORTH AND E. CENTRAL AVENUES

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

(9:15 A.M.) PRESENTATION BY CALTRANS REGARDING “EXCELLENCE IN TRANSPORTATION AWARD” - ACTING PRESIDENT BREDEFELD

Presentation of plaques made by Jose Ruano, Caltrans, for the Freeway 41, Bullard to Herndon Landscaping Project. Recognition and commendations were extended to the project volunteers, the City of Fresno, Tree Fresno, Caltrans and Table Mountain Casino for their efforts.

- - - -

The City Council recessed at 11:40 a.m. and the reconvened in joint session with the Redevelopment Agency at 11:41 a.m.

(A) \* COUNCIL AND AGENCY CONSIDERATION AND ACTION RELATING TO ADMINISTRATION OF REDEVELOPMENT HOUSING SET ASIDE FUNDS - CHAIR RONQUILLO AND PRESIDENT BOYAJIAN  
(CONTINUED FROM EARLIER IN THE MEETING)



**(C) APPROVE NEGOTIATED AGREEMENTS DESIGNED TO ADDRESS AFFORDABLE HOUSING NEEDS USING TAX INCREMENT 20% HOUSING SET ASIDE FUNDS FOR THE SOUTHWEST FRESNO GNRA AND GENERAL AREA FUNDS FOR:**

- 1. CONSTRUCTION OF TWO HOMES ON APN 467-163-18 AT MONO AND “C” STREETS, AND AN ADDITIONAL THREE HOMES AND REHABILITATION OF ONE HOME IN THE SAME VICINITY OF SOUTHWEST FRESNO BY NEIGHBORHOOD OPPORTUNITIES FOR AFFORDABLE HOUSING, INC. (NOAH);**
- 2. REHABILITATION OF 150 HOMES AND CONSTRUCTION OF ELEVEN INFILL HOUSES IN THE SOUTHWEST FRESNO GNRA DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” BY THE HOUSING AUTHORITY FOR THE CITY OF FRESNO;**
- 3. CONSTRUCTION OF SIX HOMES ON APN 453-052-03 AND 453-051-06 NORTH OF THE N. ELEVENTH AND E. HOME AVENUE INTERSECTION BY NOAH; AND**
- 4. A MINOR HOUSING REHABILITATION PROGRAM IN THE NEIGHBORHOOD NEAR THE SIX-HOME DEVELOPMENT NORTH OF THE N. ELEVENTH AND E. HOME AVENUE INTERSECTION BY THE CITY’S DEPARTMENT OF HOUSING AND NEIGHBORHOOD REVITALIZATION**

Upon request of Chair Ronquillo, City Attorney Montoy clarified President Boyajian’s motion on item “A” providing direction to staff was appropriate to deliberate and vote upon, whereupon Chair Ronquillo seconded the motion.

Relative to “A” Councilmember Perea stated he did not have a problem with the Agency taking a shot at administering the funds but he had a concern and wanted to clearly point out that redevelopment was more than just downtown Fresno and there was a broader area to be served. Chair Ronquillo stated besides restrictions for use of funds in certain areas resources could be used elsewhere.

Upon question of Councilmember Quintero, Ms. Montoy advised item “A” did not tie in with item “C” at this time; clarified the motion on the floor called for only housing set-aside funds to be transferred to the Agency with all other housing funds continuing to be administered by the government; and further clarified item “C” contained contracts with NOAH which were part of President Boyajian’s motion on “A” but the City Manager indicated he would return with an amended item “C” containing alternative funding sources.

City Manager Reid clarified the goal this date was to obtain Council/Agency direction, noted the City would then transfer the program over to the Agency effective July, requested City staff be given the ability to work with some of the City’s existing rehab clients to get their contracts in place, and advised item “C” was being removed from the agenda this date and staff would return in one week with alternative funding sources that would not require HCDC deliberation.

Councilmember Quintero stated he had some of the same concerns as Councilmember Perea and upon further question, Director Fitzpatrick stated the housing set-aside funds would not be specifically directed for Southwest Fresno and explained.

On motion of President Boyajian, seconded by Chair Ronquillo, duly carried, **RESOLVED**, (1) the Agency Executive Director, in consultation with the City Attorney, directed to return to the Council/Agency no later than May 23<sup>rd</sup> with a package for an Agency-directed housing program for use of RDA Housing Set Aside Funds emphasizing rehab housing and targeted infill projects; (2) the Agency package to include all necessary budget appropriation resolutions, contracts and contract amendments, hearing and action by the Housing and Community Development

Commission (HCDC), and other actions as may be required to implement this new direction; (3) the Executive Director

further directed to prepare the Agency Housing Program around Agency staff and contract for services, as outlined in staff options 2 and 3; and (4) such contracts for service shall build on the work completed by the Infill Committee and draft contracts with NOAH and the Housing Authority as outlined in Agency Items “**C-1, 2, 3 and 4**” (to which the City Manager will return in one week with alternative funding sources for said draft contracts), by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

**(C) APPROVE NEGOTIATED AGREEMENTS DESIGNED TO ADDRESS AFFORDABLE HOUSING NEEDS USING TAX INCREMENT 20% HOUSING SET ASIDE FUNDS FOR THE SOUTHWEST FRESNO GNRA AND GENERAL AREA FUNDS**

Removed from the agenda by the City Manager. Staff to report back in one week with alternative funding source(s).

**(E) APPROVE THE ANNUAL REPORT OF THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO FOR FISCAL YEAR 1998-99 (COUNCIL AND AGENCY ACTION)**

Director Fitzpatrick noted this was the standard annual report that had to be filed with the State of California.

Barbara Hunt, 944 “F” Street, spoke to the issue of redevelopment (**4 - 0**). Councilmember Steitz briefly left the meeting at 11:52 a.m.

On motion of Councilmember Perea, seconded by President Boyajian, duly carried, RESOLVED, the annual report of the Redevelopment Agency for Fiscal year 1998-99 hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

- - - -

The joint bodies adjourned and the City Council reconvened in regular session at 11:56 a.m. Councilmember Steitz returned to the meeting.

**(9:45 A.M.) EXPLANATION BY TREE FRESNO AND PARKS, RECREATION AND COMMUNITY SERVICES RELATIVE TO WHY THE MEDIAN ISLANDS ARE NOT BEING MAINTAINED ON THE CORRIDOR OF VENTURA AND KINGS CANYON ROAD - COUNCILMEMBER QUINTERO**

Councilmember Quintero expressed his concern with dead shrubs/landscaping and lack of replacement landscaping displaying photographs to illustrate; displayed photos showing lush green landscaping on median islands at Riverpark Shopping Center emphasizing they were newer than Ventura/Kings Canyon (V/KC); stated not enough was being done on V/KC and questioned what the problem was; and stressed southeast Fresno should not have to deal with this problem when other area medians were being adequately attended to.

problems were not due to lack of effort and concurred the problems needed to be addressed; noted the issue was more involved and complex than simply replacing landscaping and explained; and stated Tree Fresno's level of service was the highest it could be and he wanted to work with Councilmember Quintero to resolve the issue.

Discussion ensued on the problem causes such as water being turned off by the city, irrigation systems, foot traffic, additional funding needed, and the need for communication between Tree Fresno and Councilmember Quintero, with Mr. Valentino and Parks and Recreation Director Primavera responding to questions and concerns.

Michelle Sykes, 10250 N. Westshore Drive, spoke to the need for more median island maintenance in north Fresno.

Brief discussion ensued with Councilmember Quintero stating he would like to see the City take back the maintenance and stressed it was not acceptable for a major street like Ventura/Kings Canyon to be ignored and neglected. Mr. Primavera stated he would meet with Councilmember Quintero next week after meeting with Tree Fresno. There was no further discussion.

- - - -

#### **LUNCH RECESS - 12:23 P.M. - 2:05 P.M.**

#### **(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

#### **(1A-15) RESOLUTION NO. 2000-123 - IN SUPPORT OF NEW MEASURE "C" WORKSHOP ALTERNATIVE**

Councilmember Perea stated the new proposal was good news but he had a concern with the City's local commitment of 25% for "public transportation", or buses, and requested the designation be broader and defined as "alternative transportation modes", with Grant Writer LeBlanc responding and confirming there would be flexibility with "public transportation".

Brief discussion ensued with Ms. LeBlanc and City Manager Reid clarifying issues and responding to questions relative to whether there was a need to define "public transportation", if changing to "alternative transportation" would pose a problem, how and why "public transportation" was settled upon, and that flexibility has always been the goal.

Councilmember Perea stated for the record the definition of "public transportation" included all alternative modes of transportation, and made a motion to adopt the resolution, which was seconded and later acted upon.

Transit Manager Rudd commented on challenges to the department with current Measure "C" allocations and stated the 25% commitment would allow for long term planning for service improvements and explained.

Speaking to the issue were: Mark Stout, Fresno County Green Party, New Fresno County Land Use Coalition, 706 N. Fulton, who requested a higher local commitment for various public transportation issues; and Mary Savala, League of Women Voters (**5 - 0**), and Kevin Hall, 1204 E. Sierra Madre, who both expressed concern Council was rushing the matter through.

Lengthy discussion ensued with Ms. LeBlanc, Mr. Rudd and Mr. Reid responding to questions and concerns of Councilmembers Mathys, Ronquillo, Steitz and Perea relative to percentage/commitment for rail consolidation

specifically high speed rail and dedicate funding for a plan, timeline on the subject proposal and process, additional opportunity for public input, what the proposal would provide for, and the focus of the proposal being neighborhood improvements and alternative transportation. Mr. Stout reiterated the 25% local share was not enough and explained and requested 60%.

President Boyajian concurred 25% was too low, questioned what the hurry was in adopting the resolution, and stressed a comprehensive plan for the area by a coalition of involved citizens/groups was needed.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 2000-123 supporting the Workshop Alternative as recommended by the COG and the Fresno County Transportation Authority and further dedicating 25% of the City of Fresno's local share to public transportation (which includes all modes of alternative transportation), and requesting the County of Fresno and City of Clovis to make a similar commitment hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	None

- - - -

**(1A-16) APPROVE PROPOSED LEASE OF 1231 VAN NE4SS AVENUE WITH THE 20<sup>TH</sup> CENTURY ELKS LODGE**

Citing the revitalization of downtown, Councilmember Quintero questioned if a month-to-month lease would be more prudent and what would happen if someone came forth with an offer to purchase the property, with City Manager Reid stating a 2-year lease was more worthwhile for the Elks and there was always the option of selling the property. Councilmember Ronquillo noted 3 years was a standard lease term, stated the City/taxpayers should be receiving monthly rent on the building, and made a motion to approve staff's recommendation, which was seconded and acted upon after brief discussion.

Councilmember Mathys offered an amendment to the motion for a 3-year lease to give stability to the Elks and to enable them to attract a statewide convention, with Mr. Reid responding. Councilmember Mathys reiterated his support for a 3-year lease stressing the Elks were a long-time non-profit organization who contributed much to the community. Upon question of Councilmember Mathys, an unidentified Elks representative advised the Elks had been part of the community for 65 years and a 3-year lease would enable them to get a statewide convention.

A motion of Councilmember Mathys, seconded by President Boyajian, to approve a 3-year lease instead of 2 as recommended by staff failed, by the following vote:

Ayes	:	Mathys, Boyajian
Noes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz
Absent	:	None

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the draft lease hereby approved, and the City Manager authorized to (1) sign the lease agreement and (2) make such additional nonmaterial modifications to the draft lease determined to be appropriate prior to its final execution, with the concurrence of the City Attorney, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
noes : None  
Absent : None

- - - -

Councilmember Ronquillo briefly left the dais at 3:02 p.m.

**(3A) APPROVE APPOINTMENT OF FAYE BANEY TO SERVE AS THE RESIDENT REPRESENTATIVE AND NANCY PITMAN TO SERVE AS THE RESIDENT ALTERNATIVE OF THE MOBILE HOME RENT REVIEW COMMISSION - MAYOR PATTERSON (FOR ADOPTION)**

On motion of President Boyajian, seconded by Councilmember Steitz, duly carried, RESOLVED, Faye Baney appointed to serve as the Resident Representative and Nancy Pitman appointed to serve as the Resident Alternative on the Mobile Home Rent Review Commission, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian  
noes : None  
Absent : Ronquillo

- - - -

**(3B) APPROVE REAPPOINTMENT OF JIM COTTON AND MARTHA VILLAFAN TO THE HOUSING AUTHORITY BOARD - MAYOR PATTERSON**

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, Jim Cotton and Martha Villafan appointed to the Housing Authority Board, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian  
noes : None  
Absent : Ronquillo

- - - -

**(3C) \* BILL NO. B-31 - ORDINANCE NO. 2000-33 - AMENDING SUBSECTION (a) OF SECTION 4-504 AND SUBSECTION (a) OF SECTION 4-505 OF THE FRESNO MUNICIPAL CODE RELATING TO LOCAL SALES AND USE TAXES (FOR INTRODUCTION AND ADOPTION)**

Councilmember Ronquillo returned at 3:04 p.m.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-31 adopted as Ordinance No. 2000-33, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian  
Noes : None  
Absent : None

- - - -

**(5A) PROPOSED APPOINTMENT OF GARY TIMAN VIGEN TO THE TOWER DISTRICT REVIEW COMMITTEE - PRESIDENT BOYAJIAN**

On motion of President Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the appointment of Gary Timan Vigen to the Tower District Review Committee introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

**(5B) \* RESOLUTION NO. 2000-124 - 93<sup>RD</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$800 IF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE POLICE TRADING CARD PROGRAM COORDINATED BY THE WINERY APARTMENTS - COUNCILMEMBER QUINTERO**

On motion of Councilmember Quintero, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2000-124 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

**(5C) \* RESOLUTION NO. 2000-125 - 95<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$100 OF DISTRICT 2'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND LINCOLN ELEMENTARY SCHOOL TRIP TO IOWA FOR ODYSSEY OF THE MIND WORLD COMPETITION - COUNCILMEMBER MATHYS**

On motion of Councilmember Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2000-125 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

**(5E) DIRECT CITY ATTORNEY TO PREPARE AN ORDINANCE INCREASING THE COMPENSATION FOR COUNCILMEMBERS WHICH IS CONSISTENT WITH THE COMPENSATION GIVEN TO THE FRESNO COUNTY BOARD OF SUPERVISORS - PRESIDENT BOYAJIAN AND ACTING PRESIDENT BREDEFELD**

Acting President Bredefeld stated the ordinance was self-explanatory; commented on the job of a public servant, sacrifices made, and the need for people to be fairly compensated; stated he felt this would attract the most qualified individuals to lead the city (**6 - 0**); and clarified the proposed increase would not benefit the present Council and this was about doing what was right for the future.

President Boyajian stressed the job of Councilmember was not a part-time job, stated he was supporting the increase to attract individuals to city government, and noted for the record a letter from Annie Goodman opposing the increase. Councilmember Ronquillo spoke in support of the increase stating he should have brought the matter up when the Mayor's salary was increased, and stated Councilmembers earned their pay and moving in this direction would benefit the City. Councilmember Mathys stated a person served because they wanted to, and concurring there were sacrifices stated Councilmembers were public servants and were not forced to serve. Councilmember Steitz expressed his opposition stating it was not the way to go and it was wrong to not place the matter before the voters.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, the City Attorney directed to prepare an ordinance increasing the compensation for Councilmembers consistent with the compensation given to the Fresno County Board of Supervisors, by the following vote:

Ayes	:	Bredefeld, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Perea, Steitz
Absent	:	None

Upon question of Councilmember Steitz, City Attorney Montoy stated the action just taken was direction and not subject to the Mayor's veto. Councilmember Perea questioned the Mayor's veto authority based on comments he made on the radio, with Ms. Montoy stating she didn't have all the facts. Councilmember Perea requested a copy of the audio tape.

- - - -

#### PROCLAMATION OF DOUG HARRISON DAY

Read and presented.

- - - -

#### (11:15 A.M.) HEARING ON THE AIRPORT EXPANSION PROJECT

**1. \* RESOLUTION NO. 2000-126** - 97<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$48,365,200 FOR THE PROJECT, DEFEASANCE OF THE 1995 AIRPORTS BONDS, AND PAYMENT OF THE CAPITALIZED INTEREST ON THE AIRPORTS 2000 REVENUE BONDS TO THE TRUSTEE

**2. AWARD A CONTRACT FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL AREA DEVELOPMENT, AIRSIDE AND LANDSIDE PROJECT**

**3. RESOLUTION NO. 2000-127** - ADOPTING AND APPROVING AN AIRPORT RATES AND CHARGES METHODOLOGY AND PROPOSED RATES AND CHARGES FOR THE FYI AIRPORT AND OTHER MATTERS RELATED HERETO

**4. RESOLUTION NO. 2000-128** - AUTHORIZING AND APPROVING THE ISSUANCE OF NOT TO EXCEED \$45,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF FRESNO AIRPORT REVENUE BONDS, SERIES 2000; APPROVING THE FORMS OF AND DIRECTING THE EXECUTION OF THE INDENTURE OF TRUST PURSUANT TO WHICH SUCH BONDS ARE TO BE ISSUED, AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH BONDS; APPROVING THE REPORT OF THE AIRPORT CONSULTANT IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; APPROVING THE FORM OF AND DIRECTING THE EXECUTION OF THE ESCROW DEPOSIT AGREEMENT RELATING TO THE DEFEASANCE OF THE CITY OF FRESNO AIRPORT REVENUE BONDS; REFUNDING SERIES 1995 FROM SURPLUS AIRPORT REVENUES; AND AUTHORIZING CERTAIN OTHER MATTERS, RELATED DOCUMENTS AND ACTIONS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Transportation Director Hayes briefly reviewed the staff report as submitted. A motion and second was made to approve staff's recommendation. Councilmembers Mathys, Ronquillo and Bredefeld commended Mr. Hayes for his efforts and spoke to the need for a state-of-the-art airport and need to attract larger airlines.

Director of Administrative Services/Controller Souza responded to questions of President Boyajian and City Manager Reid relative to the total cost of the project, how much would be financed and by whom, if airport revenue projections were realistic, if there would be subsidies from the general fund, and comparisons between the expansion project and the downtown stadium project. President Boyajian noted the positives were being accentuated with this project but there was always gloom and doom with the stadium project with negatives accentuated.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-126, 2000-127 and 2000-128 hereby adopted, and a contract for the FYI Airport Terminal Area Development, Airside and Landside Project awarded to Ford Construction in the amount of \$15,939,933, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

#### **(11:30 P.M.) HEARING ON THE LANDFILL CLOSURE PROJECT**

**1. \* RESOLUTION NO. 2000-129 - 96<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$2,129,000 FOR COSTS RELATED TO THE CLOSURE OF THE FRESNO SANITARY LANDFILL AND ACQUISITION OF SOLID WASTE CONTAINERS**

**2. AWARD A CONTRACT FOR CLOSURE OF THE FRESNO SANITARY LANDFILL AND CONSTRUCTION OF A REGIONAL PARK/SPORTS COMPLEX**

**3. RESOLUTION NO. 2000-130 - AUTHORIZING AND APPROVING THE ISSUANCE OF NOT TO EXCEED \$22,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF FRESNO SOLID WASTE SYSTEM REVENUE BONDS, APPROVING THE FORMS OF AND DIRECTING THE EXECUTION OF THE INDENTURE OF TRUST AND OFFICIAL NOTICE OF SALE RELATED TO THE BONDS; APPROVING PUBLICATION OF A NOTICE OF INTENTION TO SELL; APPROVING A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A FINAL OFFICIAL STATEMENT; AUTHORIZING THE DEFEASANCE OF CERTAIN OUTSTANDING BONDS AND THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT RELATING THERETO; AND AUTHORIZING CERTAIN OTHER MATTERS, RELATED DOCUMENTS AND ACTIONS**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Interim Public Utilities Director Abramson reviewed the staff report as submitted. Purchasing Manager Taggart reviewed the bid and contract for the closure and construction of a park/sports complex including the finding that the low bidder was found to be a non-responsive bidder and subsequent appeals filed, and reviewed the option before Council. City Attorney Montoy noted also contained in staff's package was a report from the City Manager conveying the decisions of the hearing officer, **(7 - 0)** explained why IT Corporation was rejected as a non-responsible bidder, and advised of the determinations to be made by Council.



Speaking to the issue were: Tom Barham, Vice President of SCS Field Services, a subcontractor who bid on the project, who spoke in support of staff's finding that IT Corp. was a non-responsive bidder; Alex Bannon, Attorney representing IT Corp., Oakland, CA, who refuted Mr. Barham's comments and spoke in support of IT Corp. as a responsive bidder; and Hiram Dillin, Attorney representing Ford Construction, 2436 Professional Dr., Roseville, CA, and Don Ford, President, Ford Construction, 639 E. Lockeford St., Lodi, CA, who spoke in support of awarding to Ford Construction. Mr. Dillin submitted written material which was made part of the record and is on file in the Office of the City Clerk.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Councilmember Ronquillo stated he accepted the determination that both contractors were determined to be responsive and made a motion.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, Judge Meyers' decision and recommendation finding IT Corporation, Inc. to be a responsive and responsible bidder hereby accepted, the above entitled Resolution Nos. 2000-129 and 2000-130 adopted, and a contract hereby awarded to IT Corporation, Inc., for the Base Bid plus the Add-Alternate in the amount of \$23,800,025 for closure of the Fresno Sanitary Landfill and construction of a regional park/sports complex, subject to the issuance of an authorization to proceed by the EPA and subject to the issuance of bonds and appropriation of such proceeds for the Project which are part of the total package, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, Judge Meyers' decision that Ford Construction Company is a responsive and responsible bidder hereby affirmed, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

**(3:30 P.M.) BILL NI. B-30 - ORDINANCE NO. 2000-34 - AMENDING SECTION 9-77802 OF THE FRESNO MUNICIPAL CODE RELATING TO THE SALE, USE AND DISCHARGE OF SAFE AND SANE FIREWORKS FOR THE JULY 4<sup>TH</sup> INDEPENDENCE DAY CELEBRATION**

A motion and second was made to adopt the ordinance. Fire Chief Smith, Development Director Yovino, City Attorney Montoy and Bill Hargrove, Vice President/General Manager of American Promotional Events, responded to questions of Councilmember Perea relative to non-participation of schools as safety zones, if staff would be inspecting each site a permit was applied for and costs involved, liability to the City if sites were not inspected, displaying of permits, and how the enforcement would be handled. Councilmember Perea reiterated the ordinance was nothing but a ruse and that the "designated safety zones" should be eliminated. Chief Smith responded briefly to questions

of Councilmember Mathys relative to the “uneventful” millennium firework celebration with Councilmember Mathys speaking in support of the ordinance stating people needed to look at the history and bright side of safe and sane fireworks and to Clovis and the County as examples.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Bill No. B-30 adopted as Ordinance No. 2000-34, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea, Boyajian
Absent	:	None

- - - -

**(3D) REPORT ON REQUESTED ALTERNATIVES ANALYSIS RELATED TO THE RELOCATION OF FLOOD CONTROL BASIN “T” LOCATED IN THE VICINITY OF THE GAP, INC., PACIFIC DISTRIBUTION CENTER PROJECT; AND**

**1. APPROVE AMENDMENT TO THE PURCHASE AGREEMENT WITH THE GAP, INC., DATED 9/28/99, WITH AUTHORITY TO INSERT PROPERTY DESCRIPTIONS AT THE TIME OF EXECUTION**

City Manager Reid reviewed the background, relevant issues, and fundamentals of the amendment to the purchase agreement all contained in the staff report as submitted, **(8 - 0)** and requested Council move forward with relocating the ponding basin and approve the amendment.

Speaking in support of the issue and The Gap were: Jerry Miller, President, Jericho Fire Protection Co., 4690 E. Hammond; Jim Boone, President/CEO, New England Sheet Metal, 2731 S. Cherry; and Lucian Olivar, 4585 E. Floradora, Iron and Sheet Metal Workers.

Councilmember Ronquillo commented on the issue of subsidies and the need to coordinate City and Agency efforts to provide for a better tax base, with Agency Director Fitzpatrick explaining how a “paper debt” could be created for the 13 acre parcel to use tax increments in a more flexible fashion and offered his assistance to City staff. Mr. Reid stated those transactions could be accomplished and explained, and that he would return with financing options. Councilmember Mathys spoke in support of the issue and The Gap and urged Council to move the project forward.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, the amendment to the Purchase Agreement with The GAP, Inc., hereby approved, and the City Manager to return in two weeks with financing alternatives for the landfill proposal to provide debt to the Redevelopment Agency, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

- - - -

**(4:00 P.M.) HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN REVIEW APPLICATION NO. S-99-178 FOR THE OPERATION OF A VEHICLE TRANSIT STORAGE YARD ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF W. MCKINLEY AND N. WOODSON AVENUES**

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. S-99-178**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach briefly reviewed the background of the issue, the problems and concerns between the applicant and neighborhood, and remanded the matter to Council. Councilmember Ronquillo commented on his general support for businesses, stressed it was important for businesses, especially businesses such as this one on busy thoroughfares, to have a positive look to enhance the area, noted the neighborhood was trying to upgrade the area and expanded on problems and issues that transpired between the applicant and the neighborhood, and made a motion to deny the site plan on the basis of health and safety issues.

Speaking to the issue were: Jim Logan, representing the applicant, who spoke in support of the site plan and addressed issues of concern adding the applicant had agreed to all conditions; and Jerry Kennedy, 2416 W. Home, who spoke in opposition to the project.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Discussion ensued with Mr. Beach, Mr. Logan and Mr. Kennedy responding to questions of Councilmembers Mathys, Steitz and President Boyajian relative to the site plan review process, specifics of the project, type of improvements the applicant would be making and cost of those improvements, how long the business had been operating, if all Planning Commission conditions had been agreed to, and why the neighborhood was opposing the project, with President Boyajian stating this seemed to be a credibility issue. Acting President Bredefeld briefly left the meeting at 5:25 p.m. **(9 - 0)** District 3 Council Assistant Cox clarified issues and advised of the neighborhoods' main concerns.

A motion of Councilmember Steitz, seconded by Councilmember Mathys, to approve the Negative Declaration for Environmental Assessment No. S-99-178 and Site Plan Review Application No. S-99-178 subject to conditions contained in the staff report failed, by the following vote:

Ayes	:	Mathys, Steitz
Noes	:	Perea, Quintero, Ronquillo, Boyajian
Absent	:	Bredefeld

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, **RESOLVED**, the Negative Declaration for Environmental Assessment No. S-99-178 and Site Plan Review Application No. S-99-178 hereby denied, by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	Bredefeld

- - - -

**(5:00 P.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-03, REZONING APPLICATION NO. R-99-06 AND ENVIRONMENTAL FINDINGS, FILED BY ROGER E. PETERSEN, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF N. PALM AND W. HERNDON AVENUES

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-99-03, R-99-06**

**2. RESOLUTION NO. 2000-131 - AMENDING THE BULLARD COMMUNITY PLAN**

**3. BILL NO. B-32 - ORDINANCE NO. 2000-35 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO C-2/EA (10.77 ACRES) AND C-P/EA (7.46 ACRES)**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Acting President Bredefeld returned at 5:34 p.m. Planning Manager Haro gave a lengthy overview of the issue, the staff report as submitted, and traffic studies conducted, using and displaying area maps, the site plan, diagrams, and tables on the overhead to illustrate.

**RECESS - 5:54 P.M. - 6:12 P.M.**

**DISCUSSION ON CLOSED SESSION:**

Brief discussion ensued on laying over the closed session items. Councilmember Ronquillo directed Item “**B-2**”, Nottoli, be laid over two weeks, and City Attorney Montoy advised item “**C**”, Claim of Israel Clark, needed to be held this date.

Proceedings continued on the 5:00 p.m. hearing. Speaking in support or opposition to the project were: Melissa Fabry, 646 W. Magill, opposed; Clay Comer, 221 W. Herndon #207, Pinedale, support; Lynn Heintz, 6690 W. Colonial, opposed; Rachel Verburg, 647 W. Magill, opposed, who submitted a petition in opposition which is on file in the office of the City Clerk; Raymond Bynum, 647 W. Magill, opposed; Lisa Cameron, 690 W. Magill, opposed (**10 - 0**); Steve Coxe, 766 W. Magill, opposed; Paul Cameron, 690 W. Magill, opposed; Enrique Bruque, 755 W. Magill, opposed; Terry LaNotte, 771 W. Palo Alto, opposed; and Joe Fabry, 646 W. Magill, opposed.

Farid Assemi, 1396 W. Herndon, project co-partner, reviewed the history of the project; confirmed at a neighborhood meeting Mr. Peterson made a commitment to withdraw the supermarket and that had not changed; advised after that commitment was made potential shopping center tenants requested the supermarket issue be brought back for consideration to present the matter to Council and to meet with neighbors to mitigate their concerns; stated exhaustive traffic studies had been conducted and emphasized traffic in the area would improve and explained; and noted if the project were to be approved without a supermarket he and his partner would have to start anew, seek new tenants, and determine what could be done with the property.

Thomas Brown, Real Estate Broker, 1755 N. Fine, on behalf of Albertson’s, clarified issues, read and submitted for the record seven additional conditions agreed to, and urged Council to approve the project with the supermarket.

Roger Petersen, Applicant, noted the project had been in the works for three years; advised almost no opposition had been received until after the Planning Commission’s approval in February; confirmed he did tell residents the supermarket would be withdrawn if the neighborhoods in masse or Council so wished; and stated he was attempting to build the best mixed-use project and spread out traffic.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Mr. Peterson and Ms. Heintz responded to questions of Acting President Bredefeld relative to plans to sell the property, why there was a request to rezone if the property was going to be sold, and the neighborhood's main opposition to the project. Acting President Bredefeld stated he was not inclined to support the rezoning due to the applicant's uncertainty with the property.

Councilmember Mathys clarified issues relative to the "up-in-the-air" Wal-Mart proposal and why the latest supermarket left the Bullard/Palm area, commented on the exhaustive noticing process and numerous neighborhood meetings held, and stated he felt the project as presented was the only sensible project for the property and made a motion to approve staff's recommendation, with the supermarket and subject to the seven additional conditions agreed to (**11 - 0**), which motion was later seconded and acted upon.

Discussion ensued with Mr. Haro and Development Director Yovino responding to Council questions relative to the existing zoning, increased number of vehicle trips with the project, why staff was presenting the application with a supermarket when it was known area residents were opposed to it, existing zoning and uses, allowed office uses and height and required setback requirements, if Palm Avenue improvements could be required if existing zoning was retained, if a site plan was being approved this date, and when the project's site plan would come back to Council. Councilmember Steitz seconded the motion, noted the existing zoning could be worse for the neighborhood and explained, and stated the project as presented was a better use for the property as a site plan would be coming back which would allow for neighborhood input.

Mr. Assemi, Mr. Brown and Mr. Haro responded to questions of Councilmembers Mathys and Perea relative to whether the applicant would still sell the property if the project was approved, who would oversee the project and ensure conditions were implemented, proposed tenants, when the site plan would come back to Council, housing and fig trees being the only uses allowed now with the existing R-A zoning, the proposed community plan commercial designation, and restaurant-type uses being allowed only if C-P zoning was approved.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-99-03, R-99-06 dated 11/23/99, hereby approved; the above entitled Resolution No. 2000-131 proposing to amend the planned use of the Bullard Community Plan for the westerly 10.77-acre portion of the project site from commercial office land use to community commercial land use designation subject to the implementation of the mitigation measures of Environmental Assessment No. A-99-03, R-99-06 hereby adopted; and the above entitled Bill No. B-32 rezoning the subject property from R-A to C-2/EA and CP/EA, subject to the implementation of the mitigation measures of Environmental Assessment No. A-99-03, R-99-06, *and subject to the additional seven conditions submitted and verbalized by Mr. Brown*, hereby adopted as Ordinance No. 2000-35, by the following vote:

Ayes	:	Mathys, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Perea, Boyajian
Absent	:	None

- - - -

**(5:10 P.M.) WORKSHOP ON DOWNTOWN PARKING METERS**

Report made by Public Works Director White who reviewed the number of meters that had been installed and subsequently removed, revenues projected, four years of parking meter revenues, decreased revenues with meter removal, parking program fund balance prior to removal and subsequent losses, citation numbers, meter inventory, and proposed parking meter installation schedule. Councilmember Steitz left the meeting at 7:50 p.m.

Bob Perez, Downtown Association Board Member and Retail Resident at 1302 Fulton Mall, expressed various concerns and requested Council delay taking action on the re-installation until a study is conducted or input of retail and office establishments is received.

Councilmember Mathys stated the City needed to be customer and merchant friendly and spoke in opposition to re-installing the meters. Councilmember Ronquillo commented on the need for parking structures, stated he would love to continue with free parking but the City could not afford it, and made a motion to move towards re-installation.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, staff directed to provide an implementation strategy to reinstall parking meters, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo, Boyajian
Noes	:	Mathys, Quintero
Absent	:	Steitz

- - - -

**(2:00 P.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, ANDREW SOUZA, JORGE AGUINIGA - EMPLOYEE ORGANIZATION: FCEA MOU EXTENSION - COUNCILMEMBER RONQUILLO**

**(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF ISRAEL CLARK**

The Council met in closed session in Room 2125 at the hour of 8:06 p.m. to consider the above matters and adjourned thereafter.

**(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:**

1. VIOLET SMITH V. COF, ET AL
2. NOTTOLI CMC V. COF (LAIID OVER 2 WEEKS)
3. SCOUT ISLAND V. COF - COUNCILMEMBER MATHYS
4. FCEA V. COF, CITY COUNCIL, JEFFREY M. REID, CITY MANAGER, YVONNE QUIRING, DIRECTOR OF HOUSING AND NEIGHBORHOOD REVITALIZATION
5. FCEA V. COF, JEFFREY M. REID, CITY MANAGER, CHIEF ADMINISTRATIVE OFFICER, ANDREW SOUZA, DIRECTOR OF ADMINISTRATIVE SERVICES, AND RON PRIMAVERA, DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES

Laid over one week, except for #2 which was earlier laid over two weeks.

(D) JOINT SESSION WITH THE REDEVELOPMENT AGENCY - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: BOUND BY N. CLARK, E. MCKENZIE, N. FRESNO AND E. DIVISADERO - NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT AGENCY, COMMUNITY MEDICAL CENTERS - UNDER NEGOTIATION: PRICE, TERMS OF PAYMENT, AND OTHER TERMS OF CONVEYANCE

Laid over one week.

-----

### ADJOURNMENT

There being no further business to bring before the Council, the hour of 8:25 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this 2nd day of May, 2000.

\_\_\_\_\_  
Tom Boyajian, Council President

\_\_\_\_\_  
ATTEST: Yolanda Salazar, Assistant City Clerk

**135-196**

**4/25/00**